HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.13614 of 1998

Between

Yuvajana Seva Sangam, Kothapet represented by its President ..Petitioner

AND

The Collector, Rangareddy District and others ..Respondents

:: JUDGMENT ::

11.4.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.13614 of 1998

This writ petition has been instituted by a Society by name Yuvajana Seva Sangam at Kothapet, Uppal mandal, Rangareddy District seeking a direction to the respondents 1 to 4 not to allot the lands in Survey Nos.143, 146, 159 and 160 in an extent of Ac.3.12 gts., situate at Kothapet Village of Uppal Mandal, Rangareddy District to third parties and thus deny the allotment of land in favour of the members of the petitioner's Society.

The claim of the writ petitioner Society is that when it approached the District Collector, Rangareddy District to provide house sites to 201 members of the said Society who are all otherwise eligible being poor persons, a survey was ordered to be carried out and that after the necessary survey, proposals were taken up with the Hyderabad Urban Development Authority (for short 'the HUDA') and 176 plots have been laid out and set apart for eventual allotment as house sites in favour of eligible members of the writ petitioner Society. But, however since the actual allotment of the house sites has not been taken place, but certain other proposals have been mooted, the present writ petition has been instituted.

The record discloses in particular the decision taken by the HUDA through its communication dated 30.12.1999 addressed to the District Collector, Rangareddy District, it indicated that the lay out of the land as suggested in Survey Nos.143, 146, 159 and 160 of Kothapet Village has been approved and related infrastructural facilities were ordered to be taken up. In fact, pursuant to the

directions issued by the District Collector, Rangareddy District, the Revenue Divisional Officer, Hyderabad East Division has directed the Mandal Revenue Officer, Uppal through his letter dated 8.9.1993 that since the socio economic survey of 176 persons has been conducted which found them otherwise eligible for providing house sites, therefore, the Mandal Revenue Officer has been requested to prepare the house site pattas and submit the same for signature. That is how, the matter was resting.

The respondents have filed counter affidavit in the matter and the learned Assistant Government Pleader for Revenue has put up a spirited opposition to the claim of the writ petitioner Society and his objections are:

1) The Society cannot institute a writ petition inasmuch as it is not eligible to be assigned or granted patta of house site in its favour.
2) The individual eligible members have not chosen to approach this Court seeking allotment of the house site pattas.
3) The State is at liberty to follow and pursue such socio-economic measures as are considered appropriate taking into consideration and account the limited resources at its disposal and consequently, it had now taken a policy not to grant house site pattas individually, but it had now been preferring to construct houses in multi-stories and allot each eligible member one such house.
4) Neither the petitioner Association nor even its members have any vested right in a particular parcel of land and hence, the present writ petition is misconceived.

While it is true that the writ petitioner Society may not be eligible to be granted a house site patta, but it had been espousing the common cause on behalf of a large number of eligible persons who are otherwise poor and belonging to the weaker sections of the society. When common cause on behalf of the weaker sections of the society is espoused by any

organization, such an objection as to the maintainability of the writ petition is untenable. Ultimately, no direction would be issued for the purpose of granting a patta in favour of the Society, but the relief solicited is for protecting and preserving the interests of larger body of men who are otherwise found to be eligible for being granted with house site pattas. I therefore do not consider the objection raised by the learned Assistant Government Pleader for Revenue that the writ petition is not maintainable, is sustainable.

The writ petition has proceeded on the basis that the socio-economic survey which is needed to be conducted for identifying the most eligible amongst the weaker sections of the society, had revealed 176 persons as eligible and suitable for grant of house site pattas. It is not in dispute that they are all members of weaker sections of the Society. Therefore, it is not necessary that all of them need to approach this Court soliciting specific relief for grant of house site pattas. It is always open for some one who is not actuated by non- bonafide intentions to espouse their cause. Therefore, even in the absence of the eligible poor persons for whose benefit, the scheme of allotment of house sites has been pursued by the State, the cause in the writ petition cannot be defeated.

The third objection with regard to the policy choice of the State is concerned, it is always open to the State to pursue one policy or the other and also abandon, modify or fine-tune any of the existing policies. The policy choice is always resting with the State. The Court does not thrust such policy decisions upon the State. All that the Court is called upon in the instant case is to direct the State to give effect to their own policy decision and

that must result in actual benefit being conferred upon the poorer sections of the society by way of either allotment of house site or one of those houses in the multi-storied structures which the State Government is pursuing to put up for their benefit. Therefore, if the State Government had not abandoned its earlier policy, the allotment of house site pattas can still be pursued since the socio economic survey conducted way back in the year 1993 itself has revealed the eligible members and the same must be taken to its logical conclusion manifesting in the allotment of house sites. If on the other hand, as suggested by the learned Government Pleader, if the State is not pursuing the policy of allotment of house sites and instead, it has been allotting houses itself, it is for the State to pursue the same and ensure that the benefit of the same will percolate to the needy and deserving. Any assertion of this nature which in effect, gives full compliance to the policy of Directive Principles enshrined in Article 39 (b) of our Constitution, the State must pursue the same with all vigour.

Equally, it is not for the prospective beneficiaries to select or insist upon a particular piece of land or a particular type of house. So long as the selection process is riveted around rational procedures, the Court's jurisdiction is not attracted in such matters. It is open for the State to put the resources such as land available with it to the very best and optimum utilization. Therefore, the petitioner cannot choose the land of his choice for allotment in favour of eligible beneficiaries.

The learned Government Pleader would suggest that within the next six months' period, the District administration of

the Rangareddy District would fulfill these aspirations of the poorer sections by way of allotment of houses or house sites, as the case may be.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMA MOHANA RAO.J.

11.4.2007
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